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CITY OF TAMPA

Sandra W. Freedman, Mayor

Department of Housing and Development Coordination

Land Development
Coordination

COASTAL ZONE

INFORMATION CENTER

DATE: December 2, 1987

TO: HONORABLE CHAIRMAN AND MEMBERS OF CITY COUNCIL

FROM: *CH* CYNTHIA HARDIN, Asst. Manager, Development Coordination

SUBJECT: Proposed Historic Preservation Ordinance

Dept of Housing & Development Coordination
F319, T2P76 1987 C.2

At the November 10, 1987 public hearing City Council directed staff to revise the historic preservation ordinance. The attached ordinance dated December 1, 1987 includes the revisions City Council approved at the public hearing as specified in my memo dated November 10, 1987. The staff has met with the following people who had concerns at the public hearing: Mr. Stephen Allen (phone conversation), Mr. Ray Doyle, Mr. Steve Gluckman, Mr. and Mrs. Daniel Jozzi and Mr. John Stevelberg. The additional revisions that are included in this draft are the result of the discussions with those interested persons.

Please find below the revisions which are contained in the ordinance and which I recommend that City Council approve.

<u>Page</u>	<u>Section</u>	<u>Change</u>
2	43A-151	4th Paragraph, line 10, delete the word "contemporary."
2	43A-152(a)	1st Paragraph, line 5, add "(such as active membership in a preservation group)."
2	43A-152(a)	2nd Paragraph, line 10, change the word "district" to "quadrants."
	43A-152(d)	Line 6, replace the last sentence with: "There shall be an administrator who

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<u>Page</u>	<u>Section</u>	<u>Change</u>
		shall have the responsibility to implement the duties of the A.R.C."
4	43A-152(i)	Line 3, add sentence: "Any member who abstains from voting due to a conflict of interest shall not be considered as part of the total membership for that vote."
5	43A-153(b)	Power #1, line 5, add "and appropriate staffing levels,"
6	43A-153(b)	Add new power as #8 regarding citizens advisory committees. Renumber remaining powers.
7	43A-153(d)	Line 1, add the sentence: "The Certified Local Government program is a federal program established through an amendment to the National Historic Preservation Act, extending some aspects of federal and state responsibilities for historic preservation to qualified local governments."
8	43A-154(a)	Line 11, add "the A.R.C. shall ask the Board whether there is appropriate staff to administer new designations of districts and landmarks."
9	43A-154(f)	Line 10, delete the words "the <u>Tampa 2000 Plan.</u> "
10	43A-154(j)	Line 1, add new sentence: "In the application of these criteria, the landmark or historic district shall have achieved significance within the time period established by the criteria of the National Register of Historic Places."
12	43A-155(a)	Add new Paragraph 6: "Landscaping on single family or two family dwellings shall not require a Certificate of Appropriateness. On all other development and redevelopment of properties which includes the installation of or changes to a parking lot, the landscaping shall require a Certificate of Appropriateness."

<u>Page</u>	<u>Section</u>	<u>Change</u>
13	43A-155(d)	1st Paragraph, Line 8, replace the word "sixty" with "thirty".
13	43A-155(d)	1st Paragraph, Line 9, add new sentence: "Upon mutual consent between the A.R.C. and the applicant, the decision on relocation, new construction or demolition may be extended for an additional thirty (30) days."
13	43A-155(e)	Line 6, add the words: "however, in the case of a demolition request, a majority plus one of the total membership of the City Council is required."
14	43A-155(i)	2nd Paragraph, Line 4, add new sentences: "The A.R.C. shall notify the property owners in a new district of its intent to adopt design guidelines for that district and shall request comments from the owners and other interested persons. The A.R.C. shall hold at least one public hearing to hear comments on the proposed design guidelines and shall prepare the guidelines at the time the district is recommended for designation. The A.R.C. shall annually review the design guidelines for each district in a public hearing with notice given to the property owners in that district."
16	43A-155(l)	Title, line 1 and line 8, add the word "transportation" in each line.
17	43A-156	1st Paragraph, Line 5, add the sentence: "The A.R.C. shall have the responsibility of determining whether the building or structure contributes to the district or landmark and whether the building or structure continues to have its landmark significance."
17	43A-156	1st Paragraph, Line 20, add the sentence: "The Administrator shall prepare a written report for the A.R.C. evaluating the demolition request."
17	43A-156	2nd Paragraph, Line 1, add the sentence: "Prior to applying for permission to demolish, the applicant may request a determination from the A.R.C. on whether the structure is contributing or non-



<u>Page</u>	<u>Section</u>	<u>Change</u>
		contributing."
17	43A-156	4th Paragraph, Line 4, add the sentence: "The Administrator shall determine whether an application is complete based on these points and the rules adopted by the A.R.C."
19	43A-156	Item 13, revised to read: "Any other information which would assist the A.R.C. in making a determination as to whether the property does yield or may yield a reasonable return to the owners, e.g., pro-forma financial analysis."
22	43A-159(c)	Line 5, add the words "identical in appearance."
23	Definitions	Definition of alteration, Line 6, replace sentence with this sentence: "An alteration shall include a change from an existing lawn to the use of paving materials on a landmark site or a lot within the historic district."
23	Definitions	Definition of Historic District, line 2, add the word "historic."
24	Definitions	Definition of Landscaping, add new definition of landscaping to read: "The installation or removal of plants and/or trees."

EXHIBIT A

December 1, 1987

ARTICLE IXHISTORIC PRESERVATION

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December 1, 1987

ARTICLE IX

Historic Preservation

Section 43A-151. Intent and Declaration of Public Policy.

The purpose of this article is to preserve, promote and improve the historic landmarks and districts of the City of Tampa for the educational, cultural, economic and general welfare of the public; to protect and review changes to these landmarks and districts which have a distinctive character or a special historic, architectural, aesthetic or cultural value to this City, state and nation; to safeguard the heritage of this City by preserving and regulating its historic buildings, historic sites, archaeological sites, monuments, structures, neighborhoods and areas which reflect elements of the City's cultural, social, economic, political and architectural history; to preserve and enhance the environmental quality and safety of these landmarks and districts; to strengthen the City's economic base and to stimulate the tourist industry; to establish, stabilize and improve property values; to foster economic development and to manage growth.

The City Council finds that the City of Tampa has played an important role in the development of Florida and that this history is shown today through archaeological sites and through buildings and areas representing the activities as a port, an industrial center, and a resort and through sites, buildings and neighborhoods representing the persons who live and work or have lived and worked in Tampa during its first one hundred and fifty years. The Council finds that the distinctive and significant character of Tampa can only be maintained by protecting and enhancing its historic, architectural, aesthetic and cultural heritage and by preventing unnecessary injury or destruction of its landmarks and historic districts which are community assets. The Council finds that the Federal and Florida governments have passed laws to protect and preserve landmarks and historic districts.

The City Council finds that this Article benefits all the residents of Tampa and all the owners of property and declares as a matter of public policy that the preservation, protection and use of landmarks and historic districts are a public necessity because of their character and their value as visible reminders of the history and heritage of this City, state and nation. The Council declares as a matter of public policy that this Article is required in the interest of the health, prosperity, safety, welfare and economic well-being of the people. The designation and preservation of landmarks and landmark sites wherever located and of buildings and structures within any

historic district or districts and the control of the erection, alteration, addition, repair, removal, or demolition of new or existing buildings or structures, signs and any such facilities or appurtenances thereto to insure perpetuation of its or their historic character is hereby designated to be a public purpose.

As a regulatory tool, this Article will protect the character, architectural style and historic value of designated property from alterations that are incompatible with their preservation and from repairs and construction of inferior quality and appearance. These elements will be further enhanced by maintaining a high quality of design in infill construction and other new development in historic districts. One of the purposes of this Article is to provide the tools to encourage appropriate new development and appropriate growth in historic districts. In considering new construction, the Architectural Review Commission shall encourage design which is harmonious with the character of the designated historic districts and landmarks. The landmark and district regulations will require adherence to high standards of landscaping, control of signs and the maintenance of property in both public and private ownership. The intent of these regulations is to stabilize and strengthen designated landmarks and districts, and to preserve these irreplaceable properties of historical significance for the benefit and enjoyment of future generations.

Section 43A-152. Architectural Review Commission of the City of Tampa.

(a) Creation.

There is hereby established the Architectural Review Commission of the City of Tampa. The A.R.C. shall consist of nine members appointed by the Mayor and approved by the City Council. The members shall have a demonstrated special interest (such as active membership in a preservation group), professional experience or knowledge in historic preservation, architecture, history, architectural history, planning, archeology or other preservation-related disciplines.

In appointing members, the Mayor shall include five members with the following professional qualifications: two architects, one architectural historian or archaeologist, one planner or landscape architect and one person in real estate or contracting. At least one of these five (5) members shall be a property owner or resident of one of the National Register of Historic Places districts (not including the Ybor City Historic District) or multiple property listing. The Mayor shall appoint four additional members who shall be representative of each of the four City quadrants and shall, to the maximum extent possible, be property owners or residents of the neighborhoods surveyed by the Historic Tampa-Hillsborough County Preservation Board. One of the nine members appointed to the A.R.C. shall also be a member

of the Historic Tampa-Hillsborough County Preservation Board of Trustees.

When the A.R.C. reviews an issue that is normally evaluated by a professional member and that field is not represented on the A.R.C., the A.R.C. may seek expert advice before rendering its decision. Members of the A.R.C. shall serve without compensation, but they shall be reimbursed for expenses incurred in the performance of their duties in accordance with the rules adopted by the A.R.C..

(b) Membership.

The terms of office of the members shall be three years, except the terms of two members of the original A.R.C. shall expire after two years and the terms of two other members of the original A.R.C. shall expire after four years. No person shall serve more than two consecutive terms on the A.R.C.. Vacancies shall be filled within sixty (60) days after the end of a term. A member shall serve until the appointment and qualification of his successor. When a vacancy occurs during a term of office, it shall be filled within sixty (60) days, and the person selected shall be appointed for the unexpired portion of the term.

(c) Officers.

The A.R.C. shall each year elect members to serve as chairman and vice chairman. The chairman shall preside at meetings of the A.R.C. and shall have the right to vote. The chairman shall be the spokesman for the A.R.C. in presenting its policy to the public. In the absence or disability of the chairman, the vice chairman shall perform the duties of the chairman unless the chairman has selected another member to act on his behalf and to perform the duties of the chairman. At the chairman's request, the Administrator of the A.R.C. may represent the A.R.C. to the public or before governmental bodies.

(d) Staff.

The City may contract with the Historic Tampa-Hillsborough County Preservation Board of Trustees for assistance in the performance of the duties of the A.R.C., and this work shall be performed by the persons on the staff of the Board who have experience or training in historic preservation or a closely related field. There shall be an administrator who shall have the responsibility to implement the duties of the A.R.C..

(e) Meetings.

The A.R.C. shall meet at least once a month at a regularly scheduled time with advance notice given and an agenda

available prior to the meeting. Additional meetings may be called by the Chairman or upon the request of five members of the A.R.C.. All meetings of the A.R.C. shall be open to the public. Applicants shall be given notice of the A.R.C.'s meetings and its decision on their application.

(f) Attendance at Meetings.

Any member of the A.R.C. who misses more than three consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his status as a member of the A.R.C. and shall be replaced. Absences due to sickness or an emergency shall be recognized as approved absences and shall not affect the member's status on the A.R.C. except that, in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.

(g) Rules of Procedure.

The A.R.C. shall adopt and make public rules for the transaction of its business. A quorum shall consist of a majority of the A.R.C.. A majority of the total membership of A.R.C. shall be required for decisions involving recommendations on the designation of landmarks, landmark sites and historic districts and the approval or disapproval of applications for Certificates of Appropriateness.

(h) Minutes and Annual Report.

The A.R.C. shall prepare and keep on file, available for public inspection, minutes of its meetings and a written annual report to the Mayor and the City Council of its activities, cases, decisions, qualifications of members and other work. The minutes shall include the reasons for the decisions of the A.R.C..

(i) Conflict of Interest.

No member of the A.R.C. shall vote on any matter that may affect the property, income or business interests of that member. Any member who abstains from voting due to a conflict of interest shall not be considered as part of the total membership for that vote.

Section 43A-153. Powers and Duties of the A.R.C..

(a) General Responsibilities of the A.R.C..

The A.R.C. shall have the following responsibilities: (1) The identification of buildings and areas that it will recommend for designation as landmarks, landmark sites and historic districts, (2) The control of alterations, demolitions, relocations or new construction involving designated

landmarks, landmark sites or historic districts which alterations, demolitions, relocations or new construction will affect the landmark, landmark site or historic district, and (3) The review and recommendation of all nominations to the National Register of Historic Places following the initiation of the nomination by the Historic Tampa-Hillsborough County Preservation Board of Trustees.

The A.R.C. shall not have jurisdiction over any property within the Ybor City Historic District or any property that may be added to that District. The A.R.C. shall work with the Barrio Latino Commission on issues of joint concern.

(b) Specific Powers and Duties.

In addition to the powers and duties stated elsewhere, the A.R.C. shall take action necessary and appropriate to accomplish the purposes of this Article. These actions may include, but are not limited to:

- (1) Developing an annual work program including its survey and research activities, possible recommendations for designations, the development of design guidelines and its training and education programs, and appropriate staffing levels,
- (2) Working with the Historic Tampa-Hillsborough County Preservation Board of Trustees so that the City of Tampa has a continuing survey and a current inventory of historic buildings and areas and archaeological sites that are compatible with the Florida Master Site File and are regularly provided to the State Historic Preservation Officer for incorporation in the Florida Master Site File,
- (3) Working with the Historic Tampa-Hillsborough County Preservation Board of Trustees so that the City of Tampa has a plan for the preservation of the property in the survey and inventory,
- (4) Working with the Historic Tampa-Hillsborough County Board of Trustees on its recommendations for the designation of historic districts and individual landmarks and landmark sites and preparing recommendations on these proposed designations after public hearings,
- (5) Granting or denying applications for Certificates of Appropriateness and regulating alterations visible to the public, alterations of archaeological sites, demolitions, relocations, and new construction involving designated property,

- (6) Establishing subcommittees of the A.R.C. to handle the preliminary review of applications for a Certificate of Appropriateness and to perform other assignments,
- (7) Adopting design guidelines for alterations, demolitions, relocations and new construction involving designated historic districts and landmarks and landmark sites,
- (8) Establishing citizens advisory committees within potential districts to advise the A.R.C. on district boundaries, design guidelines and to make recommendations to the Administrator on those certain Certificate of Appropriateness whose determination has been delegated to the Administrator as routine alterations, and other similar matters. Upon request by the persons within a potential district, the A.R.C. may appoint the members of the citizens advisory committee. The A.R.C. shall seek qualified applicants who have demonstrated an interest in preservation of that potential district.
- (9) Working with and advising the Federal, State and County governments and other departments or commissions of City government,
- (10) Reviewing the provisions of the Zoning Code and other City ordinances and regulations in order to recommend amendments that will promote the preservation of landmarks, landmark sites and historic districts,
- (11) Preparing or giving testimony on plans that will affect the preservation of landmarks, landmark sites and historic districts including preparing reports on Special Use applications, on the removal of Grand Trees, on variances before the Board of Adjustment, on variances before the Sign Variance Board and any other matters of interest,
- (12) Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation,
- (13) Initiating plans for the preservation and rehabilitation of individual historic buildings,
- (14) Undertaking educational and research programs including the collection of historical records and photographs, the preparation of publications and the placing of historical markers,
- (15) Receiving funds from public and private sources to be used for the preservation of designated property or for educational or research purposes and making use of these

funds in accordance with Federal, State and City regulations, and

(16) Exercising such other powers and performing such other duties as are required elsewhere by this chapter, the Tampa City Code, and the Florida Statutes.

(c) Nominations to the National Register of Historic Places.

As part of the duties under the Certified Local Government program, the A.R.C. shall receive from the Historic Tampa-Hillsborough County Preservation Board of Trustees all nominations of local property to the National Register of Historic Places following the regulations of the State Historic Preservation Office. The A.R.C. shall give notice to the owner of the property at least thirty (30) days but not more than seventy-five days (75) prior to the A.R.C. meeting at which the nomination will be considered. The A.R.C. shall also ask the Mayor and the Chairman of the Board of County Commissioners for their written opinion as to whether or not each property should be nominated to the National Register, and these recommendations shall be given to the A.R.C. within thirty (30) days.

The A.R.C. shall obtain comments from the public that shall be included in its report making its recommendation. When the A.R.C. considers a National Register nomination that would normally be evaluated by a professional in a specific discipline and that discipline is not represented on the A.R.C., the A.R.C. shall seek professional expertise in this area before rendering a decision. Within thirty (30) days after its meeting the A.R.C. shall forward to the State Historic Preservation Officer its action on the nomination and the recommendations of the local officials. Appropriate local officials, the owner and the applicant shall be notified of the A.R.C. action.

The State Historic Preservation Officer will take further steps on the nomination in accordance with Federal and State regulations. If either the A.R.C. or the local officials or both support the nomination, the State Historic Preservation Officer will schedule the nomination for consideration by the Florida Review Board for the National Register at its next regular meeting. If both the A.R.C. and the local officials recommend that a property not be nominated to the National Register, the State Historic Preservation Officer will take no further action on the nomination unless an appeal is filed with the State Historic Preservation Officer.

(d) Other Responsibilities.

The Certified Local Government program is a federal program established through an amendment to the National Historic Preservation Act, extending some aspects of federal and state

responsibilities for historic preservation to qualified local governments. In the development of the Certified Local Government program, the City Council may ask the A.R.C. to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.

Section 43A-154. Designation of City Landmarks and Landmark Sites and Historic Districts.

(a) Starting the Designation Process.

In its annual work program, the A.R.C. shall include a list of buildings, sites and areas which it is studying and which merit consideration for designation. Any resident of Tampa, any owner of property in Tampa, or any organization in Tampa may request the A.R.C. to study a building, a site or any area and to add it to the A.R.C.'s list of possible designations. The A.R.C. shall from time to time discuss its list with the Historic Tampa-Hillsborough County Preservation Board of Trustees and shall ask the Board to make recommendations on the designation of landmarks, landmark sites and historic districts; the A.R.C. shall ask the Board whether there is appropriate staff to administer new designations of districts and landmarks.

(b) Public Hearing by the A.R.C..

The A.R.C. shall hold a public hearing on the proposed designation of a landmark and landmark site or a historic district within sixty (60) days after the recommendation of the Historic Tampa-Hillsborough County Preservation Board of Trustees. Prior to announcing the public hearing the A.R.C. shall clearly establish the boundaries for the proposed historic district or landmark and landmark site. Notice of the hearing on a proposed historic district shall be given pursuant to the requirements for an area rezoning contained in the Zoning Code. Notice of the hearing on a proposed landmark and landmark site shall be given pursuant to the requirements for a parcel rezoning contained in the Zoning Code.

(c) Recommendations and Report to the City Council.

The A.R.C. shall within thirty (30) days after the closing of the public hearing forward to the City Council the recommendation of the Historic Tampa-Hillsborough County Preservation Board of Trustees. The A.R.C. shall also forward its recommendation to the City Council on whether or not to make the designation within thirty (30) days after the closing of the public hearing. The A.R.C. shall prepare a written report, with findings of fact, to accompany its recommendation. The report shall review the testimony at the public hearing, survey information and other material the A.R.C. has assembled and shall explain how the property under

consideration meets one or more of the criteria contained in Section 43A-154 (j). The recommendation of the A.R.C. may suggest reducing the size of a proposed historic district, but additional properties may not be added to the proposed historic district unless a further public hearing with notice is held under this section.

(d) Report by the Planning Commission.

The A.R.C. shall forward to the Hillsborough County City-County Planning Commission the recommendation of the Historic Tampa-Hillsborough County Board of Trustees and the recommendation and the report of the A.R.C.. The Planning Commission shall within thirty (30) days report to the City Council giving information on the relationship between the proposed designation and the adopted Tampa 2000 Plan.

(e) Public Hearing by the City Council.

The City Council shall hold a public hearing on the proposed designation of a landmark and landmark site or a historic district within sixty (60) days after the receipt of the recommendation of the Historic Tampa-Hillsborough County Preservation Board of Trustees and the recommendation and the report of the A.R.C.. Notice of the hearing on a proposed historic district shall be given pursuant to the requirement for an area rezoning contained in the Zoning Code. Notice of the hearing on a proposed landmark and landmark site shall be given pursuant to the requirements for a parcel rezoning contained in the Zoning Code.

(f) Decision by the City Council.

The City Council shall approve, modify or disapprove the proposed designation within thirty (30) days after its public hearing. The City Council may reduce the size of a proposed historic district, and it may add additional properties to the proposed historic district provided it holds a further public hearing with notice on the additional properties and receives a recommendation from the Historic Tampa-Hillsborough County Preservation Board of Trustees and a recommendation and a report from the A.R.C. If a designation is made, the Official Zoning Atlas shall be amended to contain the designation. The A.R.C. shall notify each applicant and property owner of the decision and shall arrange that each designation of a property as a landmark and landmark site or as a part of a historic district be recorded in the official record books of Hillsborough County. The A.R.C. shall also give notice of the designation to the government offices in the City and County which shall retain them for future reference.

(g) Effect of Designation.

After designation by the City Council, a landmark and landmark site and a historic district shall be subject to the procedures and regulations contained in this Article and to the procedures, regulations and design guidelines of the A.R.C. These procedures, regulations and design guidelines shall be in addition to the provisions of other articles of the Zoning Code and other regulations of the City of Tampa which shall remain in full force and effect. In any situation where there is a conflict between two regulations, the more restrictive one shall apply.

(h) Appeal of Decision to Designate.

Any appeal by the applicant or the owner from the City Council's decision to make a designation shall be in the nature of certiorari, shall be made within thirty (30) days after the oral decision of the City Council and shall be heard by the Circuit Court of Hillsborough County, as provided by law.

(i) Amendments or Rescissions.

The designation of any landmark and landmark site or historic district may be amended or rescinded through the same procedure utilized for the original designation.

(j) Criteria to Qualify as a Landmark or a Historic District.

In the application of these criteria, the landmark or historic district shall have achieved significance within the time period established by the criteria of the National Register of Historic Places. A landmark or historic district shall qualify for designation when it meets one or more of the following criteria:

- (1) Its character as a geographically definable area possessing a significant concentration of buildings that are well designed and other structures, sites and objects all of which are united by past events or by a plan or physical development;
- (2) Its character as an established and geographically definable neighborhood united by culture, architectural styles or physical development;
- (3) Its value as a reminder of the cultural or archaeological heritage of the City, state or nation;
- (4) Its value as a site of a significant local, state or national event;

- (5) Its identification with a person or persons who significantly contributed to the development of the City, state or nation;
- (6) Its identification as the work of an architect, designer, or builder whose work has influenced the development of the City, state or nation;
- (7) Its value as a building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance; or
- (8) Its value as a building with distinguishing characteristics of an architectural style that are significant for the study of a period, method of construction, or use of indigenous materials.

(k) Landmark Site.

Each designation of a building, structure, object or a piece of land as a landmark shall be accompanied by the designation of a landmark site. A landmark site is the location and the grounds, the premises or the setting for the landmark, and it shall be identified through its block and lot number. A landmark site shall only be designated in conjunction with the designation of a landmark.

(l) Applications to A.R.C..

A person or organization requesting the A.R.C. to study a building, a site or an area shall include historical and architectural information that will help the A.R.C. in making its recommendation on a proposed designation. In its rules the A.R.C. may prescribe the material to be included in an application.

Section 43A-155. Review of Work on Landmarks, Landmark Sites, and Property in Historic Districts.

(a) Work Requiring a Certificate of Appropriateness.

A Certificate of Appropriateness from the A.R.C. shall be required before a person may undertake the following work affecting a landmark, a landmark site, or a property in a historic district:

- (1) An exterior alteration that is visible to the public.

- (2) An alteration of an archaeological site;
- (3) Relocation;
- (4) New construction; and
- (5) Demolition.
- (6) Landscaping on single family or two family dwellings shall not require a Certificate of Appropriateness. On all other development and redevelopment of properties which includes the installation of or changes to a parking lot, the landscaping shall require a Certificate of Appropriateness.

(b) Application Made to the A.R.C..

When a person wishes to undertake an exterior alteration visible to the public, an alteration of an archaeological site, new construction, relocation or demolition affecting a landmark, a landmark site or a property in a historic district, that person shall apply directly to the A.R.C. for a Certificate of Appropriateness. A Certificate of Appropriateness must be obtained even when a building permit is not required for the proposed work. The Department of Housing and Development Coordination shall refer to the A.R.C. any person applying to get a permit for work that will also require a Certificate of Appropriateness.

(c) Contents of an Application.

The applicant shall provide, where applicable, scale drawings of the proposed work, photographs of the existing building, structure or site and adjacent properties and information about the building materials to be used. In its rules the A.R.C. may prescribe additional material to be included in an application. An application for a Certificate of Appropriateness shall not be considered complete until all required data have been submitted. Before an applicant prepares his application, he may bring a tentative proposal to the A.R.C. for its comments. When an application involves new construction, the applicant shall present his conceptual plans for review and comment before the preparation of construction drawings of his project.

(d) Action on an Application.

The A.R.C. shall hold a public hearing on each application for a Certificate of Appropriateness at its next regular meeting when a complete application has been filed at least seven (7) calendar days before the meeting. The A.R.C. shall make a decision on each application within forty-five (45) days after the receipt of a completed application provided that the A.R.C. may extend the time for decision an

additional thirty (30) days when the application is for relocation, new construction, or demolition. Upon mutual consent between the A.R.C. and the applicant, the decision on relocation, new construction or demolition may be extended for an additional thirty (30) days.

The A.R.C. shall approve or disapprove each application for a Certificate of Appropriateness, and it shall give its reasons for its decision using the criteria contained in this section and in its design guidelines. The A.R.C. may suggest modifications to an application and may then approve a Certificate of Appropriateness providing for revisions in the plans submitted. If the A.R.C. fails to decide on an application within the specified time period, the application shall be deemed approved.

Applicants shall be given notice of the public hearings and meetings relating to their application and shall be informed of the A.R.C.'s decision. Notice of the hearing shall be given by conspicuous posting on the property at least seven (7) calendar days before the meeting at which the application will be heard. The applicant shall have the responsibility for posting the notice prepared by the A.R.C., and he shall submit proof that the notice was posted. If the sign is not posted within the time requirements, the public hearing notice will be deemed inadequate and no action shall be taken until proper notice is accomplished.

(e) Appeal of the Decision on a Certificate of Appropriateness.

An appeal may be taken to the City Council within thirty (30) days by the applicant from the A.R.C.'s oral decision in granting or denying any certificate. A decision by the City Council to reverse or modify a decision of the A.R.C. shall require the affirmative votes of a majority of the total membership of the City Council; however, in the case of a demolition request, a majority plus one of the total membership of the City Council is required. Any appeal by the applicant from the City Council's decision shall be in the nature of certiorari, shall be made within thirty (30) days after the oral decision of the City Council, and shall be heard by the Circuit Court of Hillsborough County, as provided by law.

(f) Routine Alterations.

The A.R.C. shall prepare a list of routine alterations that may receive immediate approval from its Administrator without a public hearing when an applicant complies with the design guidelines of the A.R.C..

(g) Submission of a New Application.

If the A.R.C determines that a Certificate of Appropriateness should not be issued for a proposed alteration, relocation or new construction, a new application affecting the same property may be submitted during the twelve (12) months after the disapproval only if a substantial change is made in the plans for the proposed work.

(h) Approach Taken by the A.R.C. in Reviewing an Application.

In making a decision on an application, the A.R.C. shall be aware of the importance of finding a way to meet the current needs of the applicant. The A.R.C. shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out.

(i) Review Criteria.

In making a decision on an application, the A.R.C. shall use the design guidelines it has adopted. The A.R.C. shall consider: (1) The effect of the proposed work on the property upon which such work is to be done; and (2) the relationship between such work and other buildings, structures or objects on the landmark site or other property in the historic district. In evaluating the effect and the relationship, the A.R.C. shall consider historical and architectural significance, architectural style, design, arrangement, texture, materials and color. The A.R.C. shall not have review authority over alterations to the interiors of a building or structure, but it shall study such plans as they relate to the exterior. The A.R.C. shall not have review authority over paint colors used on the exterior of designated buildings. The A.R.C. may advise owners on appropriate paint colors and it shall prepare and distribute a list of paint colors appropriate for different types of buildings. The A.R.C.'s decisions shall be in writing with findings of fact and reasons for its decision.

The design guidelines for work involving landmarks and historic districts in the City of Tampa shall include the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The A.R.C. shall notify the property owners in a new district of its intent to adopt design guidelines for that district and shall request comments from the owners and other interested persons. The A.R.C. shall hold at least one public hearing to hear comments on the proposed design guidelines and shall prepare the guidelines at the time the district is recommended for designation. The A.R.C. shall annually review the design guidelines for each district in a public hearing with notice given to the property owners in that district. The A.R.C. may use, where appropriate, its

historic district guidelines in preparing guidelines that it adopts for work involving individual landmarks.

The review of work involving landmarks and historic districts supplements existing City of Tampa ordinances and codes including, but not limited to, the regulation of landscaping, tree planting, site clearing, parking, fences, and signs. Decisions by the A.R.C. shall be coordinated with actions by other City offices. The Parks Department shall request the recommendation of the A.R.C. when an application is made for the removal of a Grand Tree in a historic district or on a landmark site. The Sign Variance Board shall request the recommendation of the A.R.C. when an application is made for a variance in the Sign Regulations within a historic district or on a landmark site. The Board of Adjustment shall request the recommendation from the A.R.C. when a variance or administrative appeal application is made in a historic district or a Landmark site.

Through the use of guidelines by the A.R.C., a successful rehabilitation might involve repair or replacement of original building details or the introduction of new elements that are not original, but with careful selection and planning, the rehabilitation could relate properly to the original components of a building and the surrounding neighborhood. It is important to maintain existing Grand Trees and landscaping in a rehabilitation within a historic district or on a landmark site.

Design guidelines for new construction and additions focus attention on those special visual and spatial qualities that a historic district and landmark and landmark site are established to protect. Since architectural styles and details vary within a district, the guidelines emphasize the relationship among buildings in the immediate setting.

(j) Additional Criteria on New Construction.

When the applicant wishes to undertake new construction within a historic district or on a landmark site, the A.R.C. shall consider the compatibility of the new construction with the existing character of the district or the landmark, but the A.R.C. shall not dictate the architectural style of the new construction. Compatible design shall mean architectural design and construction that will fit harmoniously into the district or the landmark site. New construction shall be compatible in scale, materials and quality of construction with adjacent buildings and structures that have been designated.

The A.R.C. shall include the following points in its consideration of an application for new construction: (1) Scale: Height and Width, (2) Setback, (3) Orientation and site coverage, (4) Alignment, rhythm and spacing of

buildings, (5) Form and detail: Link between old and new, (6) Maintaining materials within the district or on the landmark site, (7) Maintaining quality within the district or on the landmark site, (8) Facade proportions and window patterns, (9) Entrances and porch projections, (10) Roof forms, (11) Horizontal, vertical or non-directional emphasis. These considerations shall be in addition to the points contained in Section 43A-155(i).

(k) Additional Criteria on Relocation Applications.

When the applicant wishes to move a landmark, a building or structure from a landmark site, or a building or structure from a historic district or wishes to move a building or structure to a landmark site or to a property in a historic district, the A.R.C. shall consider: (1) The contribution the building or structure makes to its present setting; (2) whether there are definite plans for the site to be vacated; (3) whether the building or structure can be moved without significant damage to its physical integrity; and (4) the compatibility of the building or structure to its proposed site and adjacent properties. These considerations shall be in addition to the points contained in Section 43A-155(i).

(l) Applications Required from the City and Public Utility and Transportation Companies.

The City of Tampa and all public utility and transportation companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the City of Tampa or public utility or transportation companies.

(m) Requirement for Other Permits and Approvals.

The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City of Tampa. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work. The A.R.C. does not have any control over uses permitted within any designated historic property, and so the A.R.C. does not approve proposed uses. The Zoning Administrator shall be the sole administrator of this Code as it pertains to landmark and historic district boundaries, the requirements for permitted or permissible special uses, the schedule of area, height, bulk and placement regulations, the parking requirements and any other item not dealing specifically with

the procedure and review criteria for obtaining a Certificate of Appropriateness.

Section 43A-156. Review of Applications to Demolish.

When an applicant wishes to demolish a landmark, a building or structure on a landmark site, or a building or structure in a historic district, the applicant shall have the responsibility of proving that the demolition is necessary, and he shall present substantial evidence on the need for the demolition. The A.R.C. shall have the responsibility of determining whether the building or structure contributes to the district or landmark and whether the building or structure continues to have its landmark significance. The applicant shall explore alternatives to demolition in the Zoning Code, such as the provisions on Planned Development Districts. The applicant shall discuss whether he can retain the landmark, the building or the structure on the site. The applicant shall discuss whether the relocation of the landmark, the building or the structure is appropriate and feasible. The applicant shall present to the A.R.C. substantial evidence on his ability to build promptly the new construction that he plans, if his application is approved. The A.R.C. shall negotiate with the applicant to see if an alternative to demolition can be found. The A.R.C. may ask interested individuals and organizations for assistance in seeking an alternative to demolition. The Administrator shall prepare a written report for the A.R.C. evaluating the demolition request.

Prior to applying for permission to demolish, the applicant may request a determination from the A.R.C. on whether the structure is contributing or non-contributing. During or after its public hearing, the A.R.C. may decide that a building or structure in a historic district or on a landmark site may be demolished because it does not contribute to the historic district or to the landmark. Such a decision by the A.R.C. shall be based on its evaluation of the architectural and historical importance of the building or structure.

On all other demolition applications, the A.R.C. shall study the question of economic hardship for the applicant and shall determine whether the landmark or the property in the historic district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the A.R.C. shall also determine whether the applicant can obtain a reasonable return from his existing building. These determinations shall be in addition to the points contained in Section 43A-155(i). If economic hardship or the lack of a reasonable return is not proved, the A.R.C. shall deny the demolition application unless the A.R.C. finds grounds to grant the demolition application under the points contained in Section 43A-155(i).

In reviewing applications in this class of cases, the A.R.C. shall study the following information, to be provided by the applicant. The A.R.C. may also make its own study of these points in order to obtain additional information for its decision. The Administrator shall

determine whether an application is complete based on these points and the rules adopted by the A.R.C.

1. Estimate of the cost of the proposed demolition or removal and an estimate of any additional costs that would be incurred to comply with recommendations of the A.R.C. for changes necessary for the issuance of a Certificate of Appropriateness.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation.
3. Estimated market value of the property both in its current condition, and after completion of the proposed demolition or removal to be presented through an appraisal by a qualified professional expert.
4. An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
6. If the property is income-producing, the annual gross income from the property for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
7. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
9. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
10. Assessed value of the property according to the two most recent assessments.
11. Real estate taxes for the previous two years.
12. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method.

13. Any other information which would assist the A.R.C. in making a determination as to whether the property does yield or may yield a reasonable return to the owners. e.g., pro-forma financial analysis.

Section 43A-157. Compliance with the Certificates of Appropriateness.

(a) Inspections and Approvals by the A.R.C..

Work performed pursuant to a Certificate of Appropriateness shall be started within twelve (12) months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The Administrator of the A.R.C. may inspect the work during and after construction in order to assure compliance. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this chapter, Chapter 43-A, and shall be processed accordingly. Approval of the Administrator of the A.R.C. shall be required before the Department of Housing and Development Coordination issues a Certificate of Occupancy or before the final inspection is approved.

(b) Stop Work Orders during Construction.

In the event work is being performed without the required Certificate of Appropriateness, the A.R.C. shall ask that a Stop Work Order be issued. In the event work is being performed which is not in accordance with its Certificate of Appropriateness, the A.R.C. shall also ask that a Stop Work Order be issued. In addition to other penalties and remedies, the City shall issue a Stop Work Order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such Stop Work Order shall continue in effect. The City may apply for an injunction to enforce its Stop Work Order.

Section 43A-158. Emergency Actions to Protect Buildings While Their Designation Is Considered.

(a) Review by the City Council of The Threat.

The Chairman or the Administrator of the A.R.C. may request the City Council to take emergency action to review a threat to a building, structure or site of architectural, historical, or archaeological significance which has not yet been designated as a landmark but appears to be eligible for designation. The Chairman or Administrator shall submit written information to the City Council supporting its statement that irreparable harm will be done to the building, structure or site, if demolition permit is allowed to occur. The City Council shall notify the A.R.C., the applicant for the permit and the owner of the property in writing of its intent to hold public hearing on the request. All

construction activity using building permits or the processing of permit applications relating to the property shall be held in abeyance until City Council is taken on the threatened property. The request for emergency action shall be scheduled for review within fourteen (14) days after its receipt by the City Council.

(b) Public Hearing and Findings of Fact.

At the public hearing the A.R.C. shall report to the City Council on the architectural, historical and archaeological significance of the threatened property, evaluating the property under Section 43A-154(j) Criteria to Qualify as a Landmark or a Historic District. The City Council shall also hear testimony from the owner, the applicant and all other interested parties.

At the close of the testimony, the City Council shall determine whether all of the following findings of fact have been established:

1. There is a real and present danger to the threatened property as evidenced by the owner's or applicants' demolition proposal.
2. Based upon the best available data, the threatened property appears to be eligible for designation as a landmark under the criteria of Section 43A-154(j). The fact that the property has not yet been nominated or included on the National Register of Historic Places shall not in itself be grounds for approval of a demolition.
3. The applicant and the owner are not denied all use of the property during the consideration of its designation as a landmark.

(c) Decision by the City Council.

If in the judgment of the City Council, all of the findings of fact have not been established, the City Council may approve the demolition of the property. If in the judgment of the City Council, all of the findings of fact have been established, the City Council shall initiate the designation of the threatened property as a landmark under the procedures of this article.

Upon the initiation by City Council of the designation process, the City Council may delay the demolition until a decision has been reached on the designation of the property as a landmark. However, the demolition shall not be delayed longer than ninety (90) days, unless unusual unforeseen circumstances exist which prevent the completion of the designation process in compliance with the public notice

requirements. In this situation the City Council may extend the delay of the demolition for an additional forty-five (45) days.

When an emergency designation is initiated by the City Council under this section, the A.R.C. and City Council shall make every effort to complete the designation process in the most timely fashion. In every other respect, the designation shall follow the same procedures as described in Section 43A-154.

(d) Submission of New Evidence by the Applicant or Owner.

During the designation process the applicant or the owner may come to the A.R.C. and present new evidence to support his need to demolish the building or structure immediately. The Administrator of the A.R.C. shall evaluate the new evidence within a reasonable period of time. The A.R.C. shall then submit its recommendation and the new evidence to the City Council. The City Council shall approve or disapprove the application request using the findings contained in this section.

Section 43A-159. Maintenance and Repair of Landmarks, Landmark Sites and Property in Historic Districts.

(a) Prevention of Demolition by Neglect.

The owner and the tenant of a landmark, a landmark site, or a property in a historic district shall keep in good repair: (1) all of the exterior portions of such buildings or structures; and (2) all interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this section is to prevent a person from forcing the demolition of his building or structure by neglecting it and permitting damage to it by weather or vandalism. No provision in this chapter shall be interpreted to require an owner or tenant to undertake an alteration or to restore his building or structure to its original appearance.

(b) Ways to Improve the Condition of the Property.

The A.R.C. shall request a meeting with the owner and the tenant when his landmark or his building in a historic district is in poor repair, and the A.R.C. shall discuss with them ways to improve the condition of the property. After this step the A.R.C. may request the Department of Housing and Development Coordination to take action to require correction of defects in any building or structure designated under this chapter so that such building or structure shall

be preserved in accordance with the purposes of this chapter.

(c) Ordinary Maintenance and Repairs.

Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a building or structure or the replacement of elements of a building or structure with pieces identical in appearance and provided that the work does not change the building's or the structure's exterior appearance which is visible to the public.

(d) Emergency Conditions.

In any case where the Department of Housing and Development Coordination determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site, or a property in a historic district, the Department may order the remedying of these conditions without the approval of the A.R.C.. The Department shall promptly notify the Administrator of the A.R.C. of the action being taken. When the emergency conditions do not require demolition, the Department shall make every effort to carry out the intent of this chapter and to use the design guidelines of the A.R.C., when remedying the emergency conditions.

(e) Other Laws and Regulations.

The provisions of this section shall be in addition to all other provisions of the State of Florida and the City of Tampa laws and regulations requiring that buildings and structures be kept in good repair.

Exhibit B

Definitions

A.R.C.. The Architectural Review Commission of the City of Tampa.

Alteration. Any construction on or change to the exterior of a designated building, structure or property when the construction or change is visible to the public and may be seen by a person located on a public street or on a street open to the public. An alteration shall include construction or changes on landmark sites and on lots within a historic district. An alteration shall include a change from an existing lawn to the use of paving materials on a landmark site or a lot within the historic district. An alteration shall include signs or commercial lighting visible through windows.

Certificate of Appropriateness. The permit, issued by the Barrio Latino Commission or the Architectural Review Commission, which gives its approval for work to be done on a landmark, a landmark site or within a historic district. The Certificate may contain conditions relating to the proposed work, and the applicant will still need permits from other municipal departments before starting his work. A Certificate of Appropriateness must be issued prior to the issuance of a building permit by the Department of Housing and Development Coordination.

Certified Local Government. A government meeting the requirements of the National Historic Preservation Act Amendments of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the State of Florida.

Demolition. Any act that destroys in whole or in part a landmark or a building, a structure or an object in a historic district or on a landmark site.

Historic District. A neighborhood or an area of architectural, historical, cultural or historic planning significance to the City, state or nation which has been designated by the City of Tampa and which meet one or more of the criteria contained in Section 43A-154(j) of this Chapter. The Ybor City Historic District, as established by State law, is also a Tampa historic district.

Landmark. A building, a structure, an object or a location of architectural, historical or archaeological significance to the City, state or nation which has been designated by the City of Tampa and which meets one or more of the criteria contained in

Section 43A-154(j) of this Chapter. A landmark shall include a historical site that was the location of a significant historical event, and a landmark shall include an archaeological site that contains significant archaeological resources.

Landmark Site. The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for a landmark. A landmark site shall only be designated in conjunction with the designation of a landmark and shall be identified through its block and lot number. A landmark site may include all or part of a lot or more than one lot.

Landscaping. The installation or removal of plants and/or trees.

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